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APPLICATION NO.		FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/678,331	10/678,331 10/03/2003		Bryan W. King	PH 7464 NP	PH 7464 NP 2556	
23914	7590	09/14/2005		EXAMINER		
STEPHEN BRISTOL	. – . –	⁷ IS SQUIBB COMPANY	LAMBKIN, DEBORAH C			
PATENT D		~	ART UNIT	PAPER NUMBER		
P O BOX 4			1626			
PRINCETO	N, NJ (08543-4000	DATE MAILED: 09/14/2005			

Please find below and/or attached an Office communication concerning this application or proceeding.

## Deborat C. Lambkin Deborat C. Lambkin Deborat C. Lambkin Deborat C. Lambkin 1626 ## The MAILING DATE of this communication appears on the cover sheet with the correspondence address - Period for Reply ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER IN THIS COMMUNICATION. ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER IN THIS COMMUNICATION. ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER IN THIS COMMUNICATION. ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER IN THIS COMMUNICATION. ## A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER IN THIRTY (30) DAYS, WHICHEVER IN THIRTY (30) DAYS, WHICHEVER IS LONGER IN THIRTY (30) DAYS,		Application No.	Applicant(s)						
Deborah C. Lambkin 1626	*	10/678,331	KING ET AL.						
The MALING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ½ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. Extension of time may be available under the provisions of ZFR 1.13(b), in no event, nower, may a reply be timely find in the provisions of ZFR 1.13(b), in no event, nower, may a reply be timely find in the provision of ZFR 1.13(b), in no event, nower, may a reply be timely find in the provision of ZFR 1.13(b), in no event, nower, may a reply be timely find in the provision of ZFR 1.13(b), in no event, nower, may a reply be timely find. If NO period for reply is accided above, the meinistum statutory principle SN (b) MONTHS too mits on allow of this communication. Fallus to negly which the set or anistrop state of the communication, even if straight find, may reduce any search principle. Status 1) □ Responsive to communication(s) filed on 29 June 2004. 2a) □ This action is FINAL. 2b) □ This action is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) □ Claim(s) ± 18 is/are pending in the application. 4a) Of the above claim(s) is/are allowed. 5) □ Claim(s) ± 18 is/are pending in the application. 4a) Of the above claim(s) is/are rejected. 7) □ Claim(s) ± 18 is/are objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in aboyance. See 37 CFR 1.85(e). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) □ The drawing(s) filed on isobjected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. \$ 119 12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. \$ 119(a)-(d) or (f). 3) □ All b) □ Some * ○ □ None of:	Office Action Summary	Examiner	Art Unit						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 °CP1 1.39(a). In or event, however, may a risply be timely fleed - If No prend for risply is specified above, the maximum databory period will apply and will expire xix (\$\text{PICT}\$ (\$\text{PICT}\$) (\$P		Deborah C. Lambkin	1626						
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Application/Control Number: 10/678,331

Art Unit: 1626

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims1-9, drawn to compounds and compositions wherein L and R11 does not contain a cycloalkyl, carbocyclic or heterocyclic ring, classified in class / subclass numerous depending on the elected species.
- II. Claims 1-9, drawn to compounds and compositions wherein L and R11 does contain a cycloalkyl or carbocyclic ring, classified in class / subclass numerous depending on the elected species.
- III. Claims 1-9, drawn to compounds and compositions wherein L and R11 does contain a heterocyclic ring, classified in class / subclass numerous depending on the elected species.
- IV. Claims 10-18, drawn to methods of use and articles comprising compound of formula (I), classified in class / subclass numerous depending on the elected species.

The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III and IV are related as product and process of use. The inventions can be shown to be distinct if either or both of the following can be shown: (1) the process for using the product as claimed can be practiced with another materially different product or (2) the product as claimed can be used in a materially different process of using that product (MPEP § 806.05(h)). In the instant case, the product can be used as pesticides.

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Inventions I, II and III each relate to structurally different compounds which do not possess a substantial common core seen to be essential to the utility by itself, nor is said core novel, wherein a reference anticipating one would not necessarily render the other obvious and to search all said groups in a single application would present an undue burden on the examiner.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Claim 1 is generic to a plurality of disclosed patentably distinct species comprising the various compounds as described above. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species that falls within the elected Group, even though this requirement is traversed.

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

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Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Deborah C. Lambkin whose telephone number is 571-272-0698.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph McKane, can be reached on 571-272-0699.

DEBORAH C. LAMBKIN

Deborah C. Lambkin Primary Patent Examiner

Art Unit 1626